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| Notice of Allowability | Application No. | Applicant(s) |
| | 10/050,725 | POWELL, SCOTT WADE |
| | Examiner Wesley A. Nicolas | Art Unit 1742 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed 4/22/04.
2. The allowed claim(s) is/are 1-20.
3. The drawings filed on 15 January 2002 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
7. IDENTIFYING INDICIA SUCH AS THE APPLICATION NUMBER (see 37 CFR 1.84(c)) SHOULD BE WRITTEN ON THE DRAWINGS IN THE FRONT (NOT THE BACK) OF EACH SHEET. REPLACEMENT SHEET(S) SHOULD BE LABELED AS SUCH IN THE HEADER ACCORDING TO 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

This is in response to the restriction requirement dated April 22, 2004. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are currently pending in this application.

Election/Restriction

1. Cancellation of non-elected claims 21-22 by Applicant in the amendment submitted April 22, 2004 has been noted. Applicant may re-file said claims in a divisional application.

Specification

2. The objections to the specification set forth in the previous Office action have been **withdrawn** in view of the argument and amendment submitted April 22, 2004.

Claim Objections

3. The objections to the claims as set forth in the previous Office action have been **withdrawn** in view of the argument and amendment submitted April 22, 2004.

Claim Rejections - 35 USC § 102

4. The 35 U.S.C. §§ 102 and 103 rejections set forth in the previous Office action have been **withdrawn** in view of the amendment and convincing argument set forth by Applicant in the paper submitted April 22, 2004.

Allowable Subject Matter

5. Claims 1-20 are allowed over the prior art of record.

6. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the specific electrocoagulation treatment device which includes a plurality of reaction plate tabs integral with selected corresponding ones of said plurality of reaction plates, said reaction plate tabs having ends which are isolated from the flow of liquid in said housing, and a source of DC power providing line voltage to at least two of said tabs, but less than all of said tabs was not taught or suggested by the prior art of record.

Regarding claim 11, the specific electrocoagulation treatment device which includes a source of DC power communicating with a plurality of reaction plates, and a means for interconnecting said plurality of reaction plates to said source of DC power, said means for interconnecting including a plurality of tabs extending through a lower portion of said housing, and wherein less than all of said tabs are connected to said source of DC power was not taught or suggested by the prior art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Nicolas whose telephone number is (571) 272-1247. The examiner can normally be reached on Mon.-Thurs. from 7 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached at (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wesley A. Nicolas
Primary Examiner

May 6, 2004